

**OPTOMETRY EXAMINING BOARD
REGULAR MEETING
July 12, 2002**

MEMBERS PRESENT: Kerry Griebenow, OD; Leon Griffin, Jr., OD; Ray Heiser; Heather Hinson, OD; Chris Hubbell, OD; Lynne LeCount; Jeff Sarazen, OD

MEMBER EXCUSED: None

STAFF PRESENT: Kimberly Nania, Ph.D; Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Gina York, Program Assistant; and Division of Enforcement Staff for portions of the meeting

GUESTS: Peter Theo, WOA; Brian Elliott, Whyte-Hirshbaeck-Dulek

CALL TO ORDER

Chair Chris Hubbell called the meeting to order at 9:05 a.m.

APPROVAL OF AGENDA

Amendments To The Agenda:

- ☒ Item "C" will be move up under Item "A" As Item "A(a)"
- ☒ Addition to Item "A", add CE Correspondence as Item "A(b)"

MOTION: Leon Griffin moved, seconded by Jeff Sarazen, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 7, 2002

Amendments To Minutes:

- ☒ Page 3 Discussion of ARBO Fall Meeting section; change heading to "ARBO June Meeting".
- ☒ Under this heading change "the upcoming ARBO fall meeting" to "the upcoming ARBO June meeting".
- ☒ Under same heading change in the Motion: replace "fall" with "June".

MOTION: Heather Hinson moved, seconded by Leon Griffin, to approve the Minutes of May 7, 2002, amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

There were no stipulations.

CE PROGRAM PLANNING

Barb Showers presented background information to the Board asking their input and assistance to the Department's plan for future continued education program resources. She shared components of the CE program to be considered during this planning stage such as:

- ◆ Determining requirements.
- ◆ How will licensees know what is acceptable?
- ◆ How will compliance be monitored?
- ◆ Compliance waiver options.
- ◆ How will non-compliance be disciplined?

In the area of monitoring and staffing such a program, discussion continued on resources, budget requests, fiscal impact, the possible increase of fees and legislative approvals and language changes to implement such a program.

Lengthy discussion on each of the above areas took place and some specifics during the discussion were random audits and to have those audited to show sufficient proof of compliance of the continued educational credits claimed. Also the question of what constitutes an approved course. The Board is interested in having DOE do a random audit for both TPA and DPA licensed holders upon complaint. The Board would then review the outcome of a random audit and then make a decision on what would be the repercussions to non-compliant licensees.

Jeff Sarazen will put out information and/or questions on the ARBO Website listserve and ask for feedback regarding continuing education issues. The Board would like to know what other states are doing to monitor their programs.

The Board will contact COPE to ask if they can separate or flag approved TPA courses.

The Board has asked to have on the next agenda Wis. Statutes, Rule OPT 6 to clarify continued education language, the Category 3 issue, distance learning and feedback received from other states. The Board will consider all relevant information gathered to develop more uniform language. Also the current application form and distribution procedure was discussed. The Board would like Barb Showers to attend the next meeting with an update on the CE issue.

DEPARTMENT BUDGET ADVISORY COMMITTEE

Kimberly Nania advised that Secretary Oscar Herrera would be appointing a Budget Advisory Committee. The Board designated Jeff Sarazen to be the representative at such meetings if requested.

SUMMARY REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

The Board reviewed the summary report for the Section. The court cases were reviewed with the Board by Ruby Jefferson-Moore. In the July cases a Judgement has been made and are subject to the appeal process.

MINIMUM EYE EXAMINATIONS, FREE SCREENINGS/ASSESSMENTS

There was a lengthy discussion on this issue. Concerns brought forth were: a) the definitions currently being used in the Wis. Statutes language; b) the validity and benefits of such procedures; and c) the welfare and safety to the public. A question regarding clarification of the Wis. Statutes as to minimum requirements and unprofessional conduct. The topic of a disclaimer statement/form and specific language that may be used was discussed to cover both the Optometrist and the public's safety.

KINDERGARTEN EYE HEALTH SYSTEM

The Board covered the topic of kindergarten screening and literature being supplied to the school districts. The consent form is on the DRL Website and is also in Spanish, which was review by Secretary Herrera. WOA will be going to the school districts to encourage participation in this program. Questions arose such as: Who will maintain the records? Will the public have access to the records? How will the confidentiality of these records be maintained? What will be the procedure for patients to get copies of their records?

ARBO MEETINGS

The Board discussed sending someone to upcoming ARBO meetings. The Board feels it needs representation at such meetings. Jeff Sarazen was chosen as the Board's List Serve representative. The Board expressed the importance to have representation from the Department to ARBO meetings/workshops as well, but cost allowances are a factor. The Board recommends that if a Board member can not attend an ARBO meeting/conference, preference would be to send Kimberly Nania, DRL Bureau Director, rather than not having representation at such conferences.

VISITORS' COMMENTS

Peter Theo from WOA shared there has been a new person appointed to the head at ARBO. His name is Tom Mickorse who has had 37 years experience in this organization.

Mr. Theo shared that there is a lawsuit pending regard 1-800-Contact (mail order company). It was suggested that the Board might want to look at the current statutes to see if this needs to be addressed.

Also, the Milwaukee Clinic has a screening program with donated equipment and eyeglasses. The clinic has a Spanish book they provide for optometry exams. MPS does about 17,000 screenings a year.

RECESS TO CLOSED SESSION

MOTION: Jeff Sarazen moved, seconded by Kerry Griebenow, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g). Wis. Stats., for the purpose of consulting with AAG Bruce Olsen regarding pending litigation, reviewing case status report and consulting with legal counsel.

Roll call vote: Heather Hinson – yes, Leon Griffin – yes, Ray Heiser – yes, Chris Hubbell – yes, Lynne LeCount – yes, Jeff Sarazen-yes and Kerry Griebenow-yes. Motion carried unanimously.

Open session recessed at 10:50 a.m.

RECONVENE IN OPEN SESSION

MOTION: Lynne LeCount moved, seconded by Leon Griffin, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:00 a.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

There were no items which required voting. No items to discuss at this time.

CASE STATUS REPORT

There were no cases to close at this time.

INFORMATIONAL ITEMS

The Board noted the informational items.

ADJOURNMENT

MOTION: Leon Griffin moved, seconded by Lynne LeCount, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:25 a.m.